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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,721	10/04/2000	Glenn Reid	004860.P2472	7346

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EXAMINER
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HUYNH, SON P

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/679,721	REID, GLENN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Son P. Huynh	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6,8-15,17-20,22-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-15,17-20,22-26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6, 8-15, 17-20, 22-26, 28-33, as amended, have been considered but are moot in view of the new ground(s) of rejection.

Claims 7, 16, 21, 27 and 34 have been canceled.

### ***Claim Objections***

3. Claims 1-6, 17-20, 22-26, 28-33 are objected to because of the following informalities:

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Claim 1 recites the limitation "the portion" in line 12, should be replaced as – the first portion --

Claims 17, 22, 28 recite the limitation "the portion" in line 14, should be replaced as – the first portion --

Appropriate corrections are required.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 28-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 28 recites the limitation "a computer readable medium having stored therein a plurality of sequences of executable instruction, which, when executed by a processing system...." in lines 1-2 is directed to a non-statutory subject matter.

Pages 52- 53 of the interim guideline stated that "computer readable medium encoded with a computer program...is thus statutory". A computer readable medium having stored therein..., **which, when executed...** does not necessary define structural and functional interrelationships between the computer program and other claimed elements

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of a computer which permit the data structure's functionality to be realized, and is thus not statutory.

The limitation "a computer readable medium having stored therein a plurality of sequences of executable instruction, which, when executed by a processing system" should be replaced as – a computer readable medium encoded with a plurality of computer-executable instructions being executed by a processing system --

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1-3, 6, 8, 11, 13, 15, 17-20, 22-24, 26, 28-30 and 33** are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Ellis et al. (US 2003/0149988), and further in view of Yoda (US 6,593,946).

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Regarding **claims 1, 22 and 28**, Abe discloses a method, a corresponding processing system, and a corresponding computer readable medium for destructively editing a time based stream of information in a processing system (Fig. 12), comprising:

a) storing the time based stream of information (video clip, slit data, and corresponding audio clip) in storage, (Fig. 2, e.g. external storage apparatus, VRAM 20, VRAM 23) (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**)

Abe further discloses a storage for store video signal, video signal comprises video data, audio data, slit data, and the operator can selects to delete or change video clip (see include, but is not limited to, figure 2, col. 8, lines 7-53, col. 13, lines 1-4, col. 17, lines 15-40). Thus, the time based stream of information having a first portion and a second portion (any portion of the video signal such as slit data, video clip, audio clip), the first portion being stored in a first part of the storage, the second portion being stored in a second part of the storage (any part of storage occupied by any portion of the video clip, audio clip, slit data);

b) selecting the first portion of the time based stream of information (user selection of in-point and out-point of clip, or selection clip to be deleted, see include, but is not limited to, col. 12, line 64-col. 13, line 4, col. 16, line 30 – col. 17, line 40);

c) receiving a user deletion command (entry of deletion mode, col. 17, lines 13-40); and

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d) deleting the first portion from the storage in response to the user deletion command, without examining storage capacity state (col. 17, lines 18-40, whereby delete action is confirmed and External Storage Apparatus **22** is controlled to delete the designated portion of video clip and corresponding audio clip). However, Abe does not specifically disclose such that portion is no longer stored on the storage and is thereby destructively edited.

Ellis discloses user choose to delete data that is no longer desired from the storage or expired time or after watched (paragraphs 0167-0169). Thus, the stored portion is inherently deleted from the storage without examining storage capacity state and, as a result of deleting the portion from the storage; the first portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Ellis in order to save space for higher priority data/optimize storage utilization or reduce fee per unit of storage consumed (paragraph 0169). However, Abe in view of Ellis does not explicitly disclose moving at least a portion of the stream information from the second part of the storage to the first part of the storage for deleting the first portion from the storage.

Yoda discloses moving at least a portion of the stream information from the second part of the storage to the first part of the storage for deleting the first portion from the storage in response to user deletion command (interpreted when an erase-write command is received from the host computer 2, displaying information stored in the screen buffer 16

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is updated by the newest display information supplied from the host computer, the current display formation is moved to the lowest area of the previous screen storage unit 131 and the display information stored in lower storage areas of the previous screen storage 131 are shifted upward to replace the display information in the upper storage areas of the previous screen storage 131, the display information stored in the uppermost area of the previous storage unit (oldest display information) is erased – see include, but is not limited to, figures 7, 8, 14, 27-28, col. 9, line 41-col. 10, line 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe in view of Ellis to use the teaching as taught by Yoda in order to improve efficiency in data management, or to provide a scheme for controlling a device which can provide a device with decent manipulability (col. 4, lines 28-32).

As for **claims 2, 23, and 29**, Abe further discloses providing reference data (time code data) corresponding to the stored time based stream of information and wherein the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claims 3, 24 and 30**, Abe further discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col.



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17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

As for **claims 6, 15, 26 and 33**, Ellis further discloses deleting the no longer desired program from the storage device (paragraphs 0167-0169). It is obvious that the portion (undesired/watched program) is deleted by permanently eliminating the information from storage directly without an intermediate step in order to improve convenience to user.

Regarding **claim 8**, the limitations of the method for managing storage in a processing system that correspond to the limitations of a method of destructively editing a time based stream of information in a processing system as claimed claim 1 are analyzed as discussed with respect to the rejection of claim 1. Ellis further discloses the portion (undesired program) is deleted if the portion is not represented by more than one reference data (in response to the deletion request, delete the portion from storage device that store the program selected for deletion if only one user has requested that the program be recorded- paragraph 0168).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing method of Abe to incorporate the teaching as further taught by Ellis, for the benefit of enhancing audio/video editing operations by preventing data currently in use in a multimedia presentation from being

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deleted in a storage management method, and furthermore, to maximize the use of stored data, and additionally to reduce fee for storage consumed (paragraphs 0168-0169).

The limitation of **claim 11** is encompassed by the teachings of Abe in view of Ellis and Yoda, as discussed above relative to claim 8. Specifically, Abe discloses the selecting is by extracting the reference data from at least a portion of the reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

The limitation of **claim 13** is encompassed by the teachings of Abe in view of Ellis and Yoda, as discussed above relative to claim 11. Specifically, Abe discloses the reference forms at least one new reference with reference data to the remaining time based stream of information (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

Regarding **claim 17**, the limitations of the system that correspond to the limitations of the method as claimed in claim 1 are analyzed as discussed with respect to the rejection of claim 1, wherein

a) a capture port (Fig. 2, A/D 19 and VRAM 20) for acquiring time based stream of information (encoding and storage of video data **D1**, col. 5, line 55 – col. 6, line 26; encoding corresponding audio data **D2**, col. 6, lines 47-57; see col. 13, line 38 – col. 16, line 29 describing production of video clip and corresponding audio clip from stored video data **D1** and audio data **D2**);

Abe further discloses a storage for store video signal, video signal comprises video data, audio data, slit data, and the operator can selects to delete or change video clip (see include, but is not limited to, figure 2, col. 8, lines 7-53, col. 13, lines 1-4, col. 17, lines 15-40). Thus, the time based stream of information having a first portion and a second portion (any portion of the video signal such as slit data, video clip, audio clip), the first portion being stored in a first part of the storage, the second portion being stored in a second part of the storage (any part of storage occupied by any portion of the video clip, audio clip, slit data);

b) a storage (Fig. 2, External Storage Apparatus 22) for storing the time based stream of information (col. 6, lines 20-26 and lines 52-57);

c) a display device (Fig. 2, Monitor 26, col. 7, lines 37-46); and

d) a processor (Host Computer 15 of Fig. 2, which inherently discloses a CPU) for selecting the first portion of the time based stream of information and deleting the first portion from storage in response to a user deletion command (col. 17, lines 10-40). However, Abe does not specifically disclose such that first portion is no longer stored on the storage and is thereby destructively edited.

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Ellis discloses user choose to delete data that is no longer desired from the storage or expired time or after watched (paragraphs 0167-0169). Thus, the stored portion is deleted from the storage without examining storage capacity state and, as a result of deleting the portion from the storage; the portion (deleted data) is no longer stored on the storage and is thereby destructively edited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe to use the teaching as taught by Ellis in order to save space for higher priority data/optimize storage utilization or reduce fee per unit of storage consumed (paragraph 0169); However, Abe in view of Ellis does not explicitly disclose moving at least a portion of the stream information from the second part of the storage to the first part of the storage for deleting the first portion from the storage.

Yoda discloses moving at least a portion of the stream information from the second part of the storage to the first part of the storage for deleting the first portion from the storage in response to user deletion command (interpreted when an erase-write command is received from the host computer 2, displaying information stored in the screen buffer 16 is updated by the newest display information supplied from the host computer, the current display formation is moved to the lowest area of the previous screen storage unit 131 and the display information stored in lower storage areas of the previous screen storage 131 are shifted upward to replace the display information in the upper storage areas of the previous screen storage 131, the display information stored in the uppermost area of the previous storage unit (oldest display information) is erased – see

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include, but is not limited to, figures 7, 8, 14, 27-28, col. 9, line 41-col. 10, line 27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Abe in view of Ellis to use the teaching as taught by Yoda in order to improve efficiency in data management, or to provide a scheme for controlling a device which can provide a device with decent manipulability (col. 4, lines 28-32):

As for **claim 18**, Abe further discloses the display device includes a deletion control (Deletion process presented in video browser **25** and displayed on Monitor **26**, col. 17, lines 10-40).

As for **claim 19**, Abe further discloses the storage further includes at least one reference data (time code data) corresponding to the time based stream of information and the processor is further for deleting the reference data reference (col. 17, lines 18-40, wherein the time code data corresponding to the portion of the clip selected by the user is deleted).

As for **claim 20**, Abe further discloses the processor is further for forming at least one new reference with reference data to the remaining time based stream of information after deleting the data (col. 17, lines 18-40, wherein time code data (reference data) is inherently rewritten as a result of a selected portion of the clip being deleted (e.g., if a

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beginning portion of the clip is deleted, then the portion of the clip immediately following the portion deleted would necessarily be indicated as the beginning point of the clip).

8. **Claims 4, 14, 25, and 31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 in view of Ellis et al. (US 2003/0149988) and Yoda (US 6,593,946) as applied to claims 3, 24, 30 above, and further in view of Chao et al. (Chao), U.S. Patent No. 5,732,184.

As for **claims 4, 14, 25, and 31**, although Abe discloses selecting a portion of a clip (i.e., time based stream of information) designated by a mark-in point and a mark-out point (e.g., to select a portion of the clip between the beginning and end of the clip) and deleting the selected portion (see discussion above relative to claims 1, 22, and 28), Abe fails to specifically disclose the reference splits into a first new reference corresponding to the information prior to the extracted data and a second new reference corresponding to the information after the extracted reference data (e.g., Abe does not specifically disclose that two separate clips result from the editing operation).

However, Chao, in an analogous art, teaches editing video clips incorporating a slicing operation wherein a clip is divided into two separate clips (col. 5, line 64 – col. 6, line 53 and Figs. **4A and 4B**). Editing a video clip to produce two separate clips inherently discloses a first new reference corresponding to information prior to the slicing point and a second new reference corresponding to information after the extracted reference data to allow for editing of the clips separately. The slicing

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operation taught by Chao provides the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions (see col. 6, lines 50-53).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the editing process of Abe in view of Ellis and Yoda to incorporate the reference splits into a first new reference corresponding to the information prior to the extracted reference data and a second new reference corresponding to the information after the extracted reference data, as taught by Chao, for the benefit of allowing a clip to be separated for other video clip data to be inserted between the sliced portions in a time based stream editing system.

9. **Claims 5, 9-10,12 and 32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abe, U.S. Patent No. 6,714,216 Ellis et al. (US 2003/0149988) and Yoda (US 6,593,946) as applied to claims 2, 22 and 29 above, and further in view of Gamon, U.S. Patent No. 6,345,318.

As for **claims 5, 9 and 32**, the disclosure of Abe in view of Ellis and Yoda is relied upon as discussed above relative to claims 2 and 29. Abe in view of Ellis and Yoda fail to disclose depositing the extracted reference data in a trash depository prior to deletion, as claimed.

However, Garmon, in an analogous art, teaches a trash depository (e.g., Recycle Bin 415 of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled

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(i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe in view of Ellis and Yoda to incorporate including depositing corresponding reference data in a trash depository prior to deleting the information, as taught by Garmon, for the typical and well-known benefit of enabling a user to restore data previously selected to be deleted.

As for **claim 10**, Garmon further discloses the deleting action may be cancelled (i.e., the object restored) if the user subsequently decides the object selected for deletion is needed or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38).

As for **claim 12**, Abe in view of Ellis and Yoda discloses a method as discussed in the rejection of claim 11. Abe in view of Ellis and Yoda fails to disclose wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as claimed.



However, Garmon, in an analogous art, trash depository (e.g., Recycle Bin 415 of Fig. 4) wherein objects selected for deletion are stored prior to permanently deleting the data from storage, wherein further, the deleting action may be cancelled (e.g., the object restored along with corresponding reference data to the portion selected for deletion) if the user subsequently decides the object selected for deletion is needed (e.g., canceling the deletion command) or the user may permanently delete the object by emptying the recycle bin (col. 7, lines 13-38). The implementation of a trash depository function is notoriously well known in operating systems and application software that provides the typical and well-known benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the deleting step of Abe in view of Ellis and Yoda to incorporate wherein if a cancel command is received, the extracted reference data is replaced in the reference and the portion is not deleted, as taught by Garmon, for the benefit of enabling a user to restore data previously selected to be deleted (i.e., to reverse a deletion action).

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Snook (US 6,400,378) discloses home movie maker;

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Beitel et al. (US 5,150,312) discloses animation processor method and apparatus.

Kusanagi (US 6,670,966) discloses edit data creating device and edit data creating method.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh



January 18, 2007